

REMARKS

Applicants have canceled Claims 1, 2, 21, 23, and 30-32 without disclaimer or prejudice, and have amended Claims 4, 22, 24, 26, 27, and 29 herein. No new matter is contained in the amendments. Reconsideration of the present application and allowance of resulting Claims 4, 27, and 29 are respectfully requested in view of the amendments and following remarks.

Applicants previously withdrew Claims 22, 24, 26, and 28 as being drawn to non-elected process claims that are related to the currently pending product claims as process claims that otherwise include all the limitations of the currently pending product claims. Therefore, as the product claims are in condition for allowance, consideration and allowance of the process claims (Claims 22, 24, 26, and 28) are also respectfully requested.

I. Information Disclosure Statement

The Office Action noted that the Information Disclosure Statement filed on November 13, 2006 did not include any references or application information. Applicants note that the Information Disclosure Statement as filed contained one reference (Cunningham et al., 1989) and that there was a malfunction in the Patent Office's Electronic Filing System that deleted all information that had been entered on the electronic form. Applicants have attached a copy of the previously submitted Information Disclosure Statement and also have resubmitted the document herewith.

II. Rejections under 35 U.S.C. § 112, first paragraph

A. Claims 30-32 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action asserted that the language "at least 95% identical" was not recited in the specification and was, therefore, considered new matter.

Applicants respectfully submit that this rejection is moot as Claims 30-32 have been canceled herein. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph with respect to the written description requirement be withdrawn.

B. Claims 1-2 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Office Action acknowledged that the specification is enabling for an isolated polypeptide having the amino acid sequence of SEQ ID NO:24, or an N-terminal fragment of growth hormone consisting of approximately 135 amino acids, but the Office Action asserted that the specification does not reasonably provide enablement for a genus of anti-angiogenic peptides substantially identical to about 133 consecutive amino acids of the N-terminal end of human growth hormone.

Applicants respectfully submit that the current amendments to the claims render this rejection moot. Claims 1 and 2 have been canceled herein, and Claim 29 has been amended to depend from Claim 4, which the Office Action stated was allowable. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph with respect to the enablement requirement be withdrawn.

III. Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-2, 4, 27, and 29 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite in the recitation of certain terms and phrases. Applicants respectfully submit that this rejection is moot because the claims as currently amended particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 was rejected as being indefinite in the recitation of the term "substantially" as being a term of degree which has not been defined. This rejection is moot as Claim 1 has been canceled without prejudice or disclaimer.

Claim 27 was rejected as being indefinite in the recitation of the phrase "shown in" in the phrase "an isolated peptide as shown in SEQ ID NO:24." This rejection is moot as the claims have been amended to recite "an isolated peptide that has the amino acid sequence of SEQ ID NO:24."

Applicants respectfully submit that this rejection is moot because the claims as currently amended particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Therefore, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

IV. Rejections under 35 U.S.C. § 102(b)

Claims 1-2, 27, and 29-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Reagan et al. (PNAS USA 72(5):1684-1686, 1975). Applicants respectfully submit that the rejection is moot as a result of the current amendments to the claims.

Claims 1, 2, and 30-31 have been canceled herein, and Claims 27 and 29 have been amended to depend from or reflect the limitations of Claim 4, which the Office Action stated was allowable. Accordingly, as Reagan et al. do not anticipate the claimed invention, Applicants respectfully request that the rejections under 35 U.S.C. § 102(b) be withdrawn.

V. Conclusion

Applicants believe that the present application, as amended, is in condition for allowance. Favorable reconsideration of the application as amended and withdrawal of the rejections are respectfully requested.

The foregoing is submitted as a full and complete response to the Office Action mailed February 7, 2007. No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees due or credit any overpayment to Deposit Account 19-5029 (Ref.: 18584-0015). If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8000.

Respectfully submitted,



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